

IN THE US DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IVAN GALVEZ, MIGUEL PEREZ,
QUINTON WALKER, and,
CESAR CERVANTES,

Plaintiffs,

VS.

A-TOTAL WRAP INSULATION, LLC,
and
HECTOR RODRIGUEZ PAREDES,
Defendants.

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CASE NO. _____

DEFENDANT'S NOTICE OF REMOVAL

Defendants A-TOTALWRAP INSULATION, LLC, and HECTOR RODRIGUEZ PAREDES ("Defendants") file this notice of removal of the above-captioned case from the County Court Number Four of Brazoria County, Texas, to the United States District Court for the Southern District of Texas, Houston Division. The grounds for the removal are as follows:

1. On May 15, 2019, Plaintiffs Ivan Galvez, Miguel Perez, Quinton Walker, and Cesar Cervantes ("Plaintiffs") filed suit in County Court Number Four (4) of Brazoria County, styled *Ivan Galvez, Miguel Perez, Quinton Walker, and Cesar Cervantes*, Cause No. C159534. (See Exhibit A, a true and correct copy of Plaintiffs' Original Petition)

2. Defendant has been served.

3. Plaintiff did make a jury demand in the state court action.

4. The state court has not entered any orders in this matter.

5. Thirty (30) days has not elapsed since Defendant was served with Plaintiff's Original Petition, first asserting a federal cause of action.

6. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question).

7. All state court pleadings are attached as Exhibit A. Plaintiff has requested and served Defendant with process attached as Exhibit B. A list of counsel of record is attached as Exhibit C. The state court docket sheet is attached as Exhibit D. There are no orders signed by the state court judge.

8. On February 12, 2019, Ivan Galvez filed suit against Defendant in the matter styled Case No. 4:19-c-00533, in the United States District Court for the Southern District of Texas. The suit was assigned to Judge Lynn Hughes. Galvez brought the identical claim he now asserts in this case.

9. On March 28, 2019, Judge Lynn Hughes granted Galvez's voluntary motion to dismissing his suit. Judge Hughes ordered that if this matter is refiled in or removed to the Southern District of Texas, the case shall be assigned to Judge Hughes. See Exhibit E.

10. Plaintiffs are represented by Charles L. Scalise of Ross Scalise Law Group in the present lawsuit.

11. Defendants are represented by Mark J. Levine and files this Notice of Removal to certify its consent to the removal of this case.

12. A written notice of the filing of this removal is being served on all adverse parties and a copy of the notice filed with the clerk of the court from which this action is removed, along with a copy of this Notice.

WHEREFORE, Defendants pray that this Notice of Removal be accepted as sufficient for removal of this action to this Court and that this Court retain jurisdiction of this action.

Respectfully submitted:

By: /s/ Mark J. Levine
Mark J. Levine
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**ATTORNEY-IN-CHARGE FOR
PLAINTIFFS**

CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of July, 2019 a true and correct copy of the foregoing Notice of Removal was forwarded via facsimile and electronically to the following counsel of record:

ROSS SCALISE LAW GROUP
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Daniel B. Ross
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/s/Mark J. Levine
MARK J. LEVINE